

RENTON CITY COUNCIL

Regular Meeting

April 20, 1998 Council Chambers
Monday, 7:30 p.m. Municipal Building

MINUTES

CALL TO ORDER

Mayor Pro tem Bob Edwards led the Pledge of Allegiance to the flag and called the meeting of the Renton City Council to order.

ROLL CALL OF COUNCILMEMBERS

KING PARKER, Council President Pro tem; RANDY CORMAN; TIMOTHY SCHLITZER; DAN CLAWSON; KATHY KEOLKER-WHEELER; TONI NELSON.

CITY STAFF IN ATTENDANCE

JAY COVINGTON, Chief Administrative Officer; LAWRENCE J. WARREN, City Attorney; MARILYN PETERSEN, City Clerk; GREGG ZIMMERMAN, Planning/Building/Public Works Administrator; SUE CARLSON, Economic Development, Neighborhoods and Strategic Planning Administrator; MIKE KATTERMANN, Director of Neighborhoods & Strategic Planning; RICHARD EVANS, Civil Engineer; GLENN KOST, CIP Project Manager; DEPUTY CHIEF DON PERSSON, Police Department.

APPROVAL OF COUNCIL MINUTES

MOVED BY PARKER, SECONDED BY KEOLKER-WHEELER, COUNCIL APPROVE THE MINUTES OF APRIL 13, 1998, AS PRESENTED. CARRIED.

PROCLAMATION Days of Remembrance: 4/19/98-4/26/98

A proclamation by Mayor Tanner was read declaring the week of April 19 to 26, 1998, to be "Days of Remembrance" in the City of Renton in memory of the victims and survivors of the Holocaust, and also in memory of their liberators, and further proclaiming that citizens of Renton should strive to overcome intolerance and indifference through learning and remembrance. MOVED BY CORMAN, SECONDED BY KEOLKER-WHEELER, COUNCIL CONCUR IN THE PROCLAMATION. CARRIED.

ADMINISTRATIVE REPORT

Chief Administrative Officer Jay Covington reviewed a written administrative report summarizing the City's recent progress towards goals and work programs adopted as part of its business plan for 1998 and beyond. Items noted included:

- * The ornamental street lights in the Bronson Way Bridge have been activated, and will be on for the early part of each night.
- * Portions of sidewalks, curbs and gutters will be replaced next week along S. 3rd St. Most work will be done at night to minimize inconveniences.
- * The second transit workshop is scheduled for 7:00 p.m. on April 30th at the Renton Community Center.

Public Works in

Planning/Building/Public Works Administrator Gregg

Maplewood

Zimmerman announced that the City is investigating a possible fuel pipeline leak in the Maplewood neighborhood adjacent to Maple Valley Highway. Explaining that the Olympic Pipeline Co. operates a pipeline which bisects this neighborhood, Mr. Zimmerman said last Thursday, one of the company's fourteen monitoring wells in Maplewood detected a 4,000 parts-per-million reading of either gas or diesel. Though an extremely elevated reading, only one well detected a problem, suggesting that the contamination was caught very early.

Continuing, Mr. Zimmerman said the City and Olympic Pipeline Co. are working to identify, contain and mitigate the source of the contamination. One possibility is that it is residue from a 1986 incident, when 84,000 gallons leaked into Maplewood's soil and ground water. The residue could have remained on or near the water table since that time. Two other possible sources of the contamination are a new pipeline fracture, or a leaking residential heating oil tank. Mr. Zimmerman said the problem is probably not due to a new leak, however, since none of the other monitoring wells detected elevated levels of contamination. He emphasized that, at this point, the situation does not present a threat either to public health or to the City's water supply.

AUDIENCE COMMENT
Citizen Comment Browne -
Kennydale Neighborhood
Park Proposal

Kimberly A. Browne, 1003 N. 28th Pl., Renton, 98056, requested that the City purchase a 14-acre parcel in lower Kennydale for use as park land and open space. The property, actually two parcels, is located south of N. 28th Pl. and east of Burnett Ave. and Lake Washington Blvd. Explaining that it was recently listed for sale and could potentially be developed with over 80 homes, Ms. Browne was concerned about the site's various environmentally-sensitive characteristics, such as Kennydale Creek and steep slopes. She valued the serene and natural character of the area, and its many varying bird and plant species. Concluding that this situation affords the City the opportunity to acquire a neighborhood park for a community which lacks this type of amenity, she asked for Council's support of this proposal.

MOVED BY CLAWSON, SECONDED BY PARKER, COUNCIL REFER THIS MATTER TO THE COMMUNITY SERVICES COMMITTEE.
CARRIED.

Councilman Corman requested that the information provided to the Committee for its evaluation of this subject include what portion of the property is not developable, due to the constraints posed on the site by the existing creek and steep slopes. He suggested that the undevelopable portion could be designated as park land, perhaps at minimal cost to the City.

Responding to Councilmember Keolker-Wheeler, Ms. Browne said the property is listed for sale at \$1.85 million.

Citizen Comment Graves -
Kennydale Neighborhood
Park Proposal

LaVerne Graves, 905 N. 28th Pl., Renton, 98056, supported the proposal presented earlier by Ms. Browne that the City purchase property in lower Kennydale for a park or open space. Saying it would be in the City's best interest to buy this property, he questioned how the City

can afford to purchase a new municipal building and redevelop the downtown, but not have money for other, also worthy purposes.

City Attorney Lawrence J. Warren replied that the City did, in fact, try to purchase this property several times, but could not reach an agreement with the owners. The funds that were available for this effort were subsequently used to purchase Tract A in the Black River Riparian Forest.

Glenn Kost, CIP Project Manager, concurred that the City finally concluded that the owners were simply not interested in selling all or even part of the property at that time.

Citizen Comment Dineen -
Use of City-Owned
Downtown Property
(Smithers/S 4th St)

Jeff Dineen, 320 Smithers Ave. S., Renton, 98055, presented a petition signed by 17 property owners and/or residents of Smithers Ave. S., expressing concern about the City's plans for property it owns on the corner of Burnett Ave. S. and S. 4th Street. The petition stated that due to this property's proximity to single family dwellings, any development plans should take into consideration the desire of nearby residents to maintain their quality of life. It requested that the City consider all possible uses for this site, including long-term parking, and that any and all plans concerning its potential use, sale or development be made available to all interested parties. The petition further asked that any decision regarding long-term use or sale of the property be made by a group including representation from neighboring property owners.

Chief Administrative Officer Jay Covington said while the City has considered some options for this site, no one plan or proposal has been formally put forth. If the City ever does plan to sell the property, it will have to undergo a public process before doing so.

Sue Carlson, Economic Development, Neighborhoods and Strategic Planning Department Administrator, added that the City had approved entering into an agreement with the Downtown Renton Association (DRA) for a long-term (three to five year) lease of this property for parking. However, when the DRA dissolved in February, the City once again began considering options for the property's use.

Councilman Corman commented that according to Renton's Comprehensive Plan, this part of the downtown will not remain single family forever. He suggested that interested residents examine the City's long-term plans for this area, and make their views known if they feel the plans are not appropriate.

CONSENT AGENDA

Items on the consent agenda are adopted by one motion which follows the listing.

Vacation Olympia Ave
NE/NE 23rd Ct (Lakeridge
Development, VAC-98-
001)

City Clerk submitted petition to vacate a portion of Olympia Ave. NE in the 2100 block and a portion of NE 23rd Ct. in the 3500 block; petition submitted by Wm. Wayne Jones, Lakeridge Development, Inc., PO Box 146, Renton, on 3/09/98. Refer to Board of Public Works; set public hearing on 5/11/98 to take testimony on the proposal. (See page 142 for resolution setting the public hearing.)

CAG 98-026, Cedar River

City Clerk reported bid opening on 4/09/98 for CAG-98-

Regional Park Paving,
Gading & Ballfield
Construction, Bargmann
Excavation

026, Cedar River Regional Park Paving, Grading and Ballfield Construction; nine bids; project estimate \$858,483.00 (base bid); and submitted staff recommendation to award the contract to the low bidder, Bargmann Excavation, Inc., in the total amount of \$983,688.00 (including three additive alternates). Council concur.

CAG 98-029, 1998
Overlay, MA Segale

City Clerk reported bid opening on 4/15/98 for CAG-98-029, 1998 Overlay project; four bids; project estimate \$299,192.70; and submitted staff recommendation to award the contract to the low bidder, M.A. Segale, Inc., in the total amount of \$284,354.90. Council concur.

CAG 97-136, Maplewood
Golf Course Hole #10
Barrier Netting, Driving
Ranges Inc

Community Services Department submitted CAG-97-136, Maplewood Golf Course Hole #10 Barrier Netting; and requested approval of the project, authorization for final pay estimate in the amount of \$7,073.51, commencement of 60-day lien period, and release of retained amount of \$6,274.24 to Driving Ranges, Inc., contractor, if all required releases are obtained. Council concur.

Court Case 98-007,
Grubham v Renton

Court Case filed in King County Superior Court by Stephen Sward representing Catherine M. Grubham, administrator of the estate of Terry Duane Grubham, alleging negligent and/or reckless conduct on the part of Renton police officers who, on 3/27/96, were in pursuit of a car that collided with a vehicle driven by Terry Grubham, resulting in his death. Refer to City Attorney and Insurance Services.

Streets Burnett Ave N (5th
to 6th) Temporary Closure,
4/98-7/98

Development Services Division requested authorization to close Burnett Ave. N. between N. 5th and 6th Sts. for a period of eight weeks (sometime between April and July) to allow construction associated with the King County/Bryn Mawr sanitary sewer extension project. Refer to Transportation Committee.

Development Services City
Code Title IV Reformatting

Development Services Division recommended adoption of the reorganized and reformatted Title IV of Renton's Municipal Code, undertaken to make the regulations easier to locate, use and administer. Refer to Committee of the Whole.

Public Works Springbrook
Creek Easement from
Springbrook, LLC for
Future Habitat Restoration

Surface Water Utility Division recommended acceptance of an easement from Springbrook, LLC, encompassing 2.1 acres along 950 feet of Springbrook Creek between SR-167 and the S. 55th St. culvert crossing. The easement is needed to complete a future habitat restoration project along the creek. Refer to Utilities Committee.

MOVED BY PARKER, SECONDED BY CORMAN, COUNCIL APPROVE THE CONSENT AGENDA AS PRESENTED. CARRIED.

CORRESPONDENCE
Citizen Comment Larson -
WSDOT I-405 S-Curves

Correspondence was read from Ruth Larson, 714 High Ave. S., Renton, 98055, regarding the proposed turnback agreement with the Washington State Department of

Project Turnback
Agreement

Transportation (WSDOT) for property associated with the completed I-405 S-Curves project. Mrs. Larson asked that the turnback agreement include only the west side of I-405 in the area of the Main Ave. S. improvements project. She also requested that: the slope instability issue specify drainage problems on, but not limited to, the Cedar Ave. extension; WSDOT agree to remedy the slope instability problem to the City's satisfaction; and that a firm date be established for landscape maintenance responsibility, based on full completion of the planting. (See page 142 for further discussion of this issue.)

OLD BUSINESS
Committee of the Whole
Council Regional Finance
& Governance Plan

Council President Edwards presented a report regarding the proposed Regional Finance and Governance Plan for King County, prepared by the Regional Finance & Governance Oversight Committee of the Growth Management Planning Council (GMPC). The Committee based its review on a comparison of the proposed plan against the Suburban Cities Association's (SCA) Regional Finance & Governance proposal adopted in March of 1997. The SCA position was endorsed by the Renton City Council in February, 1997.

Based on the Committee's comparison, and on preliminary information from staff regarding the potential cost impacts of the GMPC's proposed plan, the Committee of the Whole recommended that the Renton City Council:

1. Not endorse the GMPC's current proposal as drafted.
2. Direct staff to work with and through the Suburban Cities Association to develop a revised proposal. This process will require both staff time and money from Renton.
3. Direct staff to continue to develop information regarding the infrastructure and operational deficiencies in our potential annexation areas (PAAs).
4. Keep this issue in the Committee of the Whole for updates and decisions in the near future.
5. Find unacceptable any provision that would compel Renton to enter into an agreement to fund infrastructure improvements or operations in potential annexation areas prior to annexations.

MOVED BY PARKER, SECONDED BY SCHLITZER, COUNCIL CONCUR IN THE COMMITTEE REPORT. CARRIED.

Finance Committee
Finance Vouchers

Finance Committee Chair Parker presented a report recommending approval of Claims Vouchers #157514 - 158073; one wire transfer in the total amount of \$1,790,532.11; approval of Payroll Vouchers #158714 - 158982; and 503 direct deposits in the total amount of \$1,280,999.46. **MOVED BY PARKER, SECONDED BY CORMAN, COUNCIL CONCUR IN THE COMMITTEE REPORT. CARRIED.**

Finance Vouchers

Finance Committee Chair Parker presented a report recommending approval of Claims Vouchers #158074 - 158492; three wire transfers in the total amount of \$3,368,785.89; approval of Payroll Vouchers #158987 -

159249; and 501 direct deposits in the total amount of \$1,339,101.40. MOVED BY PARKER, SECONDED BY KEOLKER-WHEELER, COUNCIL CONCUR IN THE COMMITTEE REPORT. CARRIED.

Utilities**Legal Telecommunications Ordinance**

Utilities Committee Chair Clawson presented a report regarding the Telecommunications Ordinance. The proposed Telecommunications Licenses and Franchises Ordinance was presented to Council at the Committee of the Whole meeting of March 10, 1997, and was reviewed by the members of the Utilities Committee on January 22 and April 9, 1998. The proposed ordinance was distributed to all telecommunications service providers, and modifications to the ordinance were made in response to changes requested by providers.

The ordinance establishes a fair process for accepting and reviewing telecommunications applications, and serves as a referral guide to the Wireless Communications Facilities Ordinance, the Cable Communications Systems Ordinance, and the Fee Schedule Ordinance. In addition to establishing a consistent procedure for registration and review of applications for telecommunications services, the ordinance requires that all companies identify any new services being provided, and assures that the City is being properly compensated.

The Utilities Committee recommended that the City Council: 1) approve the Telecommunications Ordinance; and 2) approve the Fee Schedule Ordinance as amended to reflect fees for telecommunications services. MOVED BY CLAWSON, SECONDED BY CORMAN, COUNCIL CONCUR IN THE COMMITTEE REPORT.*

Responding to Councilmember Keolker-Wheeler, City Attorney Warren said nothing in the ordinance will preclude the City from cooperating with other jurisdictions to jointly site regional wireless communications facilities.

*MOTION CARRIED.

Planning & Development Committee**Development Services Sign Code Changes re Electronic Msg Boards**

Planning & Development Committee Chair Keolker-Wheeler presented a report recommending approval of an amendment to the Sign Code allowing electronic message board signs for auto dealerships located within the Automall Area. The Committee recommended that an ordinance regarding this matter be prepared and presented for Council's consideration and first reading on April 27th. The Committee further reported that additional study and consideration of allowing electronic message board signs on a city-wide basis and for public institutions will be conducted by the Committee. MOVED BY KEOLKER-WHEELER, SECONDED BY SCHLITZER, COUNCIL CONCUR IN THE COMMITTEE REPORT. CARRIED.

EDNSP CD Zone Changes re Gas Stations, Vehicle Service etc.

MOVED BY KEOLKER-WHEELER, SECONDED BY CLAWSON, COUNCIL LIFT THE MORATORIUM ENACTED BY RESOLUTION 3308 ON FEBRUARY 9, 1998, RELATING TO THE PERMITTING OF NEW

AND USED VEHICLE SALES, RENTAL, LEASING, REPAIR AND SERVICE (INCLUDING GAS STATIONS AND CAR WASHES) WITHIN THE CENTER DOWNTOWN (CD) ZONE AS ORDINANCE 4715 HAS NOW TAKEN EFFECT. CARRIED.

WSDOT I-405 S-Curves
Project Turnback
Agreement

Planning/Building/Public Works Administrator Gregg Zimmerman explained that the Main Ave. S. improvements, including the installation of new communications systems, cannot proceed on schedule without acceptance of the turnback agreement with the Washington State Department of Transportation (WSDOT) for property associated with the I-405 S-Curves project. This agreement was previously rejected by Council's Transportation Committee because landscaping and other elements of the S-Curves project were not complete. However, the current Main Ave. S. project forces the relocation of several Puget Sound Energy power poles to property identified in the turnback agreement. Failure to execute the agreement at this time will require that Puget Sound Energy obtain a permit to install the poles on WSDOT property. Since it can take nine to twelve months to secure such a permit, the Main Ave. S. project could be delayed up to one year or longer.

Continuing, Mr. Zimmerman said the turnback agreement has been modified in response to objections voiced by the Transportation Committee in its earlier rejection of the agreement. Specifically, WSDOT will remedy, within two years, the slope instability problem at the intersection of Main Ave. S. and S. 4th Street. The State will also relinquish additional right-of-way needed to accommodate both the relocation of Puget Sound Energy's transmission line in this area and the construction of a retaining wall on Benson Road (and the necessary subsequent roadway widening). The landscaping of the turnback area has been completed.

Mr. Zimmerman added that WSDOT will resolve the aforementioned slope instability problem by repairing the slope and replanting with larger plants to aid in its stabilization. The State will take further actions as necessary.

Rich Evans, Civil Engineer, concurred that there is no other practical solution to removing the power poles along Main and relocating them to the turnback area. Moreover, this action must be accomplished before the other aspects of the project can proceed. Referring to a map, he described the proposed new sites for the relocated power poles.

Responding to Councilman Parker, Mr. Zimmerman said although staff is concerned about the ongoing problem of the slope instability, it feels that having a signed agreement which stipulates WSDOT's responsibility to remedy this situation would be in the City's favor. He emphasized that only if Renton signs the turnback agreement will the State formally incur a specific contractual obligation to correct the slope.

Councilman Schlitzer supported removing the eastern portion of the turnback area from the agreement, since this is not needed for the Main Ave. project.

In response to Councilmember Keolker-Wheeler, Mr. Zimmerman said some of the landscaping funds for the S-Curves project were spent for grading and other earthmoving work.

Councilmember Keolker-Wheeler wanted assurance that the relocated power poles will not affect the views enjoyed by any Renton Hill residents. She also

wondered why the City was proposing to locate power poles in an area already experiencing slope instability, and feared this would only exacerbate the current problem.

Councilman Corman suggested that the City could proceed with accepting the turnback agreement, then decide where to locate the power poles. Councilman Parker agreed that the City's options were slim to none in this situation, as it needs to move forward with the Main Ave. improvements.

MOVED BY SCHLITZER, SECONDED BY PARKER, COUNCIL AUTHORIZE MOVING FORWARD WITH THE TURNBACK AGREEMENT AS PROPOSED.*

Mrs. Keolker-Wheeler asked whether all the concerns raised by Ruth Larson have been addressed. Mr. Zimmerman felt they had, with the possible exception of the perceived drainage problem on the Cedar Ave. extension, which he had not been aware of. He agreed to look into this for Mrs. Larson.

Mrs. Keolker-Wheeler clarified for the record that WSDOT may have to install another retaining wall to fix the slope instability problem at Main and 4th, should other attempts to resolve it fail.

***MOTION CARRIED.** (See later this page for resolution.)

MOVED BY CORMAN, SECONDED BY KEOLKER-WHEELER, COUNCIL REFER THE MATTER OF SPECIFIC POWER POLE RELOCATION SITES TO THE PLANNING & DEVELOPMENT COMMITTEE FOR EVALUATION, INCLUDING POSSIBLE IMPACT ON VIEWS AND AESTHETICS. CARRIED.

ORDINANCES AND RESOLUTIONS

The following resolutions were presented for reading and adoption:

Resolution #3322

Vacation Olympia Ave NE/NE 23rd Ct (Lakeridge Development, VAC-98-001)

A resolution was read setting a public hearing on May 11, 1998 for vacating a portion of Olympia Ave. NE from NE 33rd, north of NE 21st St. (Lakeridge Development, Inc., VAC-98-001). **MOVED BY PARKER, SECONDED BY CORMAN, COUNCIL ADOPT THE RESOLUTION AS PRESENTED. CARRIED.**

Resolution #3323

WSDOT I-405 S-Curves Project Turnback Agreement

A resolution was read authorizing the Mayor and City Clerk to enter into an interlocal cooperative agreement with the Washington State Department of Transportation (WSDOT) concerning turnback of certain property for maintenance by the City. **MOVED BY PARKER, SECONDED BY CORMAN, COUNCIL ADOPT THE RESOLUTION AS PRESENTED. CARRIED.**

The following ordinances were presented for first reading and referred to the Council meeting of 4/27/98 for second and final reading:

Legal Telecommunications Ordinance

An ordinance was read amending Title V (Finance and Business Regulations) of City Code by adding Chapter 18, entitled "Telecommunications Licenses and Franchises." **MOVED BY CLAWSON, SECONDED BY CORMAN,**

COUNCIL REFER THE ORDINANCE FOR SECOND AND FINAL READING ON 4/27/98. CARRIED.

Legal Telecommunications
Fees

An ordinance was read amending Section 5-1-1 of Chapter 1, Fee Schedule, of Title V (Business and Finance Regulations) of City Code by adding a subsection for telecommunications fees. **MOVED BY CLAWSON, SECONDED BY CORMAN, COUNCIL REFER THE ORDINANCE FOR SECOND AND FINAL READING ON 4/27/98. CARRIED.**

NEW BUSINESS
Utility Sanitary Sewer
Connections to Properties
Outside Renton (City
Policy)

Announcing that concerns have been raised regarding the City's policy which allows connection to Renton's sanitary sewer service by property owners outside of the City limits, based on certain criteria, it was **MOVED BY CLAWSON, SECONDED BY KEOLKER-WHEELER, COUNCIL REFER THIS ISSUE TO THE UTILITIES COMMITTEE. CARRIED.**

ADJOURNMENT

MOVED BY PARKER, SECONDED BY CORMAN, COUNCIL ADJOURN. CARRIED. Time: 9:23 p.m.

MARILYN J. PETERSEN, CMC, City Clerk

Recorder: Brenda Fritsvold
4/20/98